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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,037	12/10/1999	MASASHI HAMADA	1232-4604	9614

7590 10/23/2003

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EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/459,037

Applicant(s)

Hamada et al.

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 30, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-27, 41-43, 47-52, and 57-66 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-27, 41-43, 47-52, and 57-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Reassignment Affecting Application Location

1. The art unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to art unit 2681.

Response to Arguments

2. Applicant's arguments with respect to claims 25-27, 41-43 and 47-52 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

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Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 25-27, 41-43 and 47-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Steijer, U.S. Patent No. 6,408,174.

Regarding claim 25, Steijer discloses a radio communication apparatus comprising: receiving means for receiving data related to charge and time from a communication network (i.e., tariff information) (col. 3, lines 35-67); and storing means for storing a communication charge in accordance with the data received from the communication network in a registration sequence (i.e., at or before call set-up) (col. 3, lines 35-67), and for storing communication start time in accordance with the data received from the communication network (col. 4, lines 3-60; figures 2A-4).

Regarding claim 26, Steijer discloses a method for storing a communication charge, comprising the steps of receiving data related to charge and time from a communication network (col. 3, lines 35-67); storing a communication charge in accordance with the data received from the communication network in a registration sequence (col. 3, lines 35-67); and storing communication start time in accordance with the data received from the communication network (col. 4, lines 3-60; figures 2A-figure 4).

Regarding claim 27, Steijer discloses a memory for storing a program comprising the steps of: receiving data related to charge and time from a communication network (col. 3, lines

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35-67); storing a communication charge in accordance with the data received from the communication network in a registration sequence (col. 3, lines 35-67); and storing communication start time in accordance with the data received from the communication network (col. 4, lines 3-60).

Regarding claim 41, Steijer discloses the apparatus according to claim 25, wherein the communication charge and the communication start time is stored in accordance with the data received from the communication network after an inherent authentication process in a registration sequence (since the mobile station can't communicate in a network until it has been authorized to do so) (col. 3, line 61-col. 4, line 60).

Regarding claim 42, Steijer discloses the method according to claim 26, wherein the communication charge and the communication start time is stored in accordance with the data received from the communication network after an authentication process in a registration sequence (col. 3, line 61-col. 4, line 60).

Regarding claim 43, Steijer discloses the memory according to the claim 27, wherein the communication charge and the communication start time is stored in accordance with the data received from the communication network after an authentication process in a registration sequence (col. 3, line 61-col. 4, line 60).

Regarding claim 47, Steijer discloses a radio communication apparatus comprising:

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receiving means for receiving data related to time from a communication network; and storing means for storing communication start time in accordance with the data received from the communication network in a registration sequence (col. 3, line 61-col. 4, line 60).

Regarding claim 48, Steijer discloses the apparatus according to claim 47, wherein said storing means stores the communication start time in accordance with the data received from the communication network after an authentication process in a registration sequence (col. 3, line 61-col. 4, line 60).

Regarding claim 49, Steijer discloses a method for storing time, comprising the steps of: receiving data related to time from a communication network; storing communication start time in accordance with the data received from the communication network in a registration sequence (col. 3, line 61-col. 4, line 60).

Regarding claim 50, Steijer discloses the method according to claim 49, wherein the communication start time is stored in accordance with the data received from the communication network after an authentication process in a registration sequence (col. 3, line 61-col. 4, line 60).

Regarding claim 51, Steijer discloses a memory for storing a program comprising the steps of: receiving data related to time from a communication network; and storing communication start time in accordance with the data received from the communication network in a registration sequence (col. 3, line 61-col. 4, line 60).

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Regarding claim 52, Steijer discloses the memory according to claim 51, wherein the communication start time is stored in accordance with the data received from the communication network after an authentication process in a registration sequence (col. 3, line 61-col. 4, line 60).

Regarding claim 57, Steijer discloses a radio communication apparatus comprising: receiving means for receiving data related to time from a communication network (col. 3, lines 35-67); and storing means for storing communication end time (i.e., call release/tariff switching) in accordance with the data received from the communication network in a registration sequence (col. 1, lines 45-62) col. 3, line 61-col. 4, line 60; figures 2A and 2B).

Regarding claim 58, Steijer discloses the apparatus according to claim 57, wherein said storing means stores the communication end time in accordance with the data received from the communication network after an authentication process in a registration sequence (col. 3, line 61-col. 4, line 60).

Regarding claim 59, Steijer discloses a method for storing time, comprising the steps of: receiving data related to time from a communication network; and storing communication end time in accordance with the data received from the communication network in a registration sequence (col. 1, lines 45-62, col. 3, line 61-col. 4, line 60).

Regarding claim 60, Steijer discloses the method according to claim 59, wherein the communication end time is stored in accordance with the data received from the communication network after an authentication process in a registration sequence (col. 3, line 61-col. 4, line 60).

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Regarding claim 61, Steijer discloses a memory for storing a program comprising the steps of: receiving data related to time from a communication network; and storing communication end time in accordance with the data received from the communication network in a registration sequence (col. 1, lines 45-62, col. 3, line 61-col. 4, line 60).

Regarding claim 62, Steijer discloses the memory according to claim 61, wherein the communication end time is stored in accordance with the data received from the communication network after an authentication process in a registration sequence (col. 3, line 61-col. 4, line 60).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steijer in view of Reece et al (Reece), U.S. Patent No. 5,915,214.

Regarding claims 63 and 65, Steijer discloses an apparatus/method that detects a change from a first tariff charge to a second tariff charge during a communication and storing a communication charge for the first tariff charge in accordance with the detected change during communication. Steijer also wherein tariff information is changed based on the location of the

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mobile station in a geographical area (col. 1, lines 38-52, col. 3, lines 35-47 and col. 4, lines 3-53).

Steijer, however fails to specifically disclose wherein the detecting of the change and storing of the tariff is related to a change from a first carrier to a second carrier.

In a similar field of endeavor, Reece discloses a mobile communication service provider selection system. Reece further discloses that during a communication of a mobile station, the mobile station can detect a change from a first carrier to a second carrier and the associated cost of each carrier (col. 3, line 59-col. 4, line 47, col. 6, lines 21-43, col. 15, line 30-col. 16, line 37; figures 7, 10 and 11).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Steijer with the teachings of Reece for the purpose of allowing the mobile station to know when it has roamed into a coverage area of a different service provider having a different cost for current communication.

Regarding claims 64 and 66, the combination of Steijer and Reece discloses the apparatus according to claims 63 and 65, wherein said storing means/step stores communication start time for the second carrier (Steijer, col. 3, line 58-col. 4, line 60; figure 4).

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 7:00 am to 4:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on (703) 305-4040.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service whose telephone number is (703)306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for any communications intended for entry).

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

TMD

October 18, 2003


TEMICA M. DAVIS
PATENT EXAMINER